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EXAMINER

VANAMAN, FRANK BENNETT

ART UNIT

PAPER NUMBER

3618

DATE MAILED: 11/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/876,550

Applicant(s)

DEAVILA, PERICLES

Examiner

Frank Vanaman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23, 25-37, 40, 41, 119, 122, 123, 126-148, 150, 152 and 153 is/are pending in the application.
- 4a) Of the above claim(s) 40 and 41 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23, 25-37, 119, 122, 123, 126-148, 150, 152 and 153 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Status of Amendment

1. Applicant's amendment, filed September 19, 2005 has been entered in the application.

Claims 1-23, 25-37, 40, 41, 119, 122, 123, 126-148, 150, 152 and 153 are currently pending. Claims 40 and 41 are withdrawn from consideration, claims 24, 38, 39, 42-118, 120, 121, 124, 125, 145, 151 are canceled. Applicant's clarifying comments concerning claims 41 and 42 are noted with appreciation.

An office action directed to claims 1-23, 25-37, 119, 122, 123, 126-148, 150, 152 and 153 follows.

Claim Rejections - 35 USC 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1-5, 7, 21, 22, 25, 26, 30-31, 119, 122, 123, 133, 134, 136-137, 152, and 153 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pool. Pool teaches a self-contained cart for carrying health and safety items, having a shell with a base (12), a top (90), a plurality of vertical walls (44) having flat sides suitable for display purposes, a plurality of horizontal walls (30, 50, etc.), movable divider elements (72, 74) a pivotable table (32), a plurality of doors (24, 48) which are connected to the cart with piano hinges and may be easily removed (compared with a task of greater difficulty), for example, by the disengagement of the hinge or hinge pin (an element inherent for the function of a piano hinge) and which, when open, allow a user to determine what is stored in the cart, a water supply (62), a waste water disposal tank (60), both of which tanks having a degree of flexibility, the supply connected to a spigot (58) which is positioned above- and which supplies water to- a sink (52) positioned in a recess (at 50) formed within at least one, if not more, wall(s) (in this case, at least 42, 44, 46), with the supply and waste tanks positioned in a lower recess (see fig 3), the sink connected to the waste tank with tubing (figure 3), the cart taught to be constructable out of a plastic (col. 7, lines 23-24), a plurality of caster wheels (14), at least two of which are capable of being moved to an infinite number of positions, and handles (28a, 48a) which allow a

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user to manipulate the cart, and which would additionally allow a user to carry or tilt the cart, the cart further containing a battery power supply (68), plurality of pumps (64) in fluid connection with a plurality of fluid sources including the water source (62), at least a heater (col. 5, lines 43-46) for heating a supply of water, further pumps (64) being arranged for the distribution (through further spigots 58) of lotion and soap, the cart further containing a cup dispenser (92), and being capable of carrying a radio communications device (102) within a housing portion (104).

The reference to Pool fails to teach the use of a plurality of hinges wherein removal of the respective hinge pins allows removal of the door, or wherein the hinge pin may be readily removed. The use of single (as regards claim 152) or plural (claims 1, 37, and 119) hinges with removable hinge pins is very old and well known in the door hanging arts, and it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the doors of Pool to be attached to the remainder of the cart with one or plural hinge(s) all having removable pins, for the purpose of using stock components, rather than having to cut a length of piano hinge to a desired length.

As regards claims 1, 119, 124 and 125, to the breadth of the recitation, the doors can be used as a stretcher to support a person, or as a table if removed from the cart, to the breadth claimed and indeed there is no disclosure in Pool which limits the doors from performing such functions. As regards claims 152 and 153, the cart can be configured to accommodate items for a variety of purposes.

Claim 2- The reference to Pool is discussed in detail above and fails to teach the provision of the vertical and horizontal walls as integrally molded. It is old and well known to make an integrated element from plural taught elements for the purpose of reducing manufacturing costs and steps, and in view of Pool teaching the cart as optionally being made from plastic, it would have been obvious to one of ordinary skill in the art at the time of the invention to make the vertical and horizontal walls from a single plastic element for the purpose of reducing manufacturing costs.

Claims 4, 122- The reference to Pool fails to teach window portions in the doors. The examiner hereby takes Official Notice that it is very old and well known to make doors with built in windows for the purpose of allowing a user to see through a portion of

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the door, and as such, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide windows in the doors taught by Pool for the purpose of allowing a user to see through at least a portion of the doors. The examiner again notes that the taking of Official Notice in each of the previous two actions has not been traversed by applicant in the response to either of those actions.

Claim 7- The reference to Pool fails to teach a further centered pair of caster wheels. To duplicate or multiply parts to enhance the effectiveness of an arrangement is not deemed to be beyond the skill of the ordinary practitioner, and as such, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide a further pair of wheels as taught by Pool, in a central location, to provide a more even load distribution.

Claim 30- The reference to Pool fails to teach further dispensers for tissue and eye-glass cleaners. In view of the use of the cart to Pool as being directed to medical hygiene, it is not considered to be beyond the skill of the ordinary practitioner to provide dispensers for further cleaning implements, and as such, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide a dispenser for tissue and glasses cleaners for the purpose of allowing the cleaning of everyday items, such as eyeglasses, often encountered in a hospital space, and to locate such dispensers in positions easily accessed by a user of the cart.

Claim 36- The reference to Pool fails to specifically teach the provision of a first aid kit. In view of the use of the cart in a health-care environment, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide a first aid kit on the cart to allow a user to administer first aid from the cart directly.

Claims 13, 123- The reference to Pool fails to teach the provision of a stiffening insert in the doors. The provision of stiffeners on structural elements for the purpose of reinforcement is old and well known, and as such, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the doors with a stiffening insert for the purpose of reinforcing them.

Claims 133, 134- The reference of Pool fails to specifically teach the use of quick disconnect non-leaking fittings in plumbing the water supply. In view of the modular

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nature of the cart, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide quick disconnect fittings with built-in shut offs, for connecting up the water system, for the purpose of allowing maintenance to be quickly performed without the need for special tools.

Claim 136- The reference to Pool fails to specifically teach the tanks as being selectively removable, but in view of (1) there being no teaching that the tanks are integrally formed or otherwise permanently attached to the cart and (2) the provision of support shelves in the cart, it would have been obvious to one of ordinary skill in the art at the time of the invention to make the tanks removable to facilitate service and replacement.

4. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pool in view of Rigo (US 5,820,143). The reference to Pool is discussed above and fails to teach the provision of a flange element with an aperture which accommodates a ground engaging element which may be used to hold the cart in place and support it otherwise. Rigo teaches a cart having casters (48) and plural flanges (bottoms of 54), positioned along one side of the cart, with an aperture therein (figure 4) through which is engaged a threaded fastener which mounts a ground-engaging element (56) which may serve to hold the cart in place on a ground surface, and support the cart on other surfaces. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the flanges and ground engaging elements taught by Rigo to at least one side of the cart of Pool for the purpose of allowing the cart to be held in place on a ground surface, if desired.

5. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pool in view of Walker (US 4,625,949). The reference of Pool is discussed above and fails to teach the provision of a lifting provision in the form of an eyelet at the top of the cart, connected to a suspension rod extending through the top and base, and connected to a support member at the base of the shell. Walker teaches a wheeled cart having a lifting element including an eyelet (70) connected to a rod (69) which extends down to

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the base of the cart, and supports the cart base (43) through a support element (72, 73). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the cart of Pool with the lifting provision taught by Walker for the purpose of allowing the cart to be easily machine moved, for example, when desiring to shift the cart from one level to another.

6. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pool in view of Kos (US 5,833,330). The reference of Pool is discussed above and fails to teach the provision of a transparent sheet on one of the vertical walls, for allowing printed matter to be viewed through the sheet. Kos teaches an assembly with a vertical wall (e.g., 110), which is provided with a transparent sheet (130) for allowing printed matter (145, 150) to be viewed there-through. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a transparent sheet as taught by Kos to a vertical wall of the cart taught by Pool for the purpose of allowing printed matter to be viewed without damaging it.

7. Claims 11, 12, 14, 17, 126 and 127 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pool in view of Cox (US 5,518,258). The reference of Pool is discussed above and fails to teach the doors as being pivotally mounted to the cart to perform as a table or seat, including folding leg portions, or usable as a free standing table. Cox teaches a portable cart having a wheeled base, and door portions (38, 46, 50) which cover storage portions (20) of the cart, wherein the portions may be deployed so as to be pivoted from the cart (figure 7- 46, 50) or removed from the cart (38, figure 7), including extensible, pivotal legs (e.g., 52, 56), forming slats to the degree claimed, which are attached both to the door portions of the cart and the side portions of the cart (when the door portions are folded), the portions usable as tables or for a seat at a table height. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the cart of Pool with the folding portions taught by Cox and usable as a table or seat for the purpose of allowing a greater amount of working space to the user of the cart.

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8. Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pool in view of Cox and Insalaco et al. (US 5,605,344). The reference of Pool as modified by Cox is discussed above and fails to teach the door portions as having a further hingedly attached movable portion which may be deployed. Insalaco et al. teach a door structure having a first part (e.g., 58) and a second part (e.g., 60) which parts are foldable with respect to one another. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the door structure taught by Pool and modified by Cox as a pair of pivotally connected portions as taught by Insalaco et al. for the purpose of allowing the doors to be folded to a compact configuration when open.

9. Claims 18-20 and 138-148 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pool in view of Stein (US 6,296,626, filed 11/1998). The reference of Pool is discussed above and fails to teach an eyewash connected to the cart, receiving water from a water supply, and including a water waste collection, utilizing gravity-feed flow, and being pivotable from a stowed to a deployed condition, with either a frictional device or catch to hold the eyewash in a stowed position. Stein teaches an eyewash apparatus including a gravity feed supply (14) a shell (12/16) and pivotable eyewash mechanism (42) which pivots from a stowed position against the shell (figure 4) to a use position (figure 5), and is maintained in the stowed position absent manipulation from a user by a latch (56, 58) which has a detent and frictional engagement, the eyewash of Stein being provided with an outlet (32) which allows waste wash to be carried away. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the cart of Pool with an eyewash station as taught by Stein for the purpose of allowing a user to clear harmful materials from the user's eyes, further it would have been obvious to connect the outlet taught by Stein with the waste water collection portion taught by Pool for the purpose of consolidating waste materials generated at the cart.

As regards claims 146, 148, while the reference to Stein fails to teach the eyewash supply as being derived from the supply (claim 146) or the warmed supply (claim 148) taught by Pool, it would have been obvious to one of ordinary skill in the art

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at the time of the invention to couple the eyewash to the supply taught by Pool for the purpose of allowing both systems to use the same supply.

10. Claims 23, 32-35, 128, 129 and 131 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pool in view of Silva (US 4,998,302). The reference of Pool is discussed above and fails to teach a supply system including plural tanks allowing the supply and mixing of heated and unheated water, a light, a warning light, and a connection to an external power source. Silva teaches a cart having a first (16) unheated supply and a second (17) heated supply of water, heated by a heating device (56), which may be mixed (19, 29), a connection to an electrical supply (50, 51), an illumination light (55) and warning lights (59, 62). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the cart of Pool with plural water supplies and a mixing device as taught by Silva for the purpose of allowing a user to access both hot and cold water, similarly it would have been obvious to provide a connection to an external electrical source for the purpose of charging the battery, and not draining the battery when a fixed current source is available. Further, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the cart of Pool with illumination so as to allow a user improved lighting around the cart, and it would have been obvious to provide warning lights to indicate the approach of an undesirable condition in the water supplies. As regards claim 51, the references of Pool and Silva are not limited in the particular nature of the water which may be provided in the supplies.

11. Claims 27, 28 and 132 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pool in view of Cox (US 6,220,610, filed 5/1999, 5/1998). The reference of Pool is discussed above and fails to teach the provision of a drinking water supply and spigot, with a gravity feed. Cox ('610) teaches a wheeled cart which is provided with a gravity-feed tank (14) having a spigot (34) for dispensing drinking water. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the cart of Pool with a gravity feed drinking water supply and spigot as taught

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by Cox for the purpose of allowing a separate distribution of drinking water from the cart.

12. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pool in view of Cox ('610) and Haley (US 6,131,929, filed 6/1998). The references of Pool and Cox ('610) are discussed above and fail to teach a refrigeration unit for cooling the drinking water. Haley teaches a cart having a water distribution system, and further having a refrigeration device (col. 4, lines 39-41), which may be used to chill items on the cart. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the cart of Pool with a refrigeration device as taught by Haley for the purpose cooling a water supply in the cart of Pool as modified by Cox, for example to facilitate the provision of chilled water. While the reference of Haley fails to specifically teach the location of the refrigeration unit, for the purpose of chilling a water supply, it would have been considered obvious to one of ordinary skill in the art at the time of the invention to locate the unit between a supply of water and the device for dispensing it in order to achieve a desired degree of cooling.

13. Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pool in view of Walker, Silva and Stein. The reference of Pool as modified by Walker is discussed above and fails to teach the provision of a heating device and lights. Silva teaches a cart having a first (16) unheated supply and a second (17) heated supply of water, heated by a heating device (56), an illumination light (55) and warning lights (59, 62). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the cart of Pool as modified by Walker with plural water supplies including at least a heated supply, as taught by Silva for the purpose of allowing a user to access both hot and cold water. Further, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the cart of Pool as modified by Walker with illumination as taught by Silva so as to allow a user improved lighting around the cart. The reference to Pool as modified by Walker and Silva fails to teach an eyewash connected to the cart, receiving water from a water supply, and including a

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water waste collection. Stein teaches an eyewash apparatus including a supply (14) a shell (12/16) and pivotable eyewash mechanism (42), the eyewash of Stein being provided with an outlet (32) which allows waste wash to be carried away. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the cart of Pool as modified by Walker and Silva with an eyewash station as taught by Stein for the purpose of allowing a user to clear harmful materials from the user's eyes, further it would have been obvious to connect the outlet taught by Stein with the waste water collection portion taught by Pool as modified by Walker and Silva for the purpose of consolidating waste materials generated at the cart. While the reference to Stein fails to teach the eyewash supply as being derived from the supply taught by Pool as modified by Walker and Silva, it would have been obvious to one of ordinary skill in the art at the time of the invention to couple the eyewash to the supply taught by Pool for the purpose of allowing both systems to use the same supply.

14. Claim 130 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pool in view of Silva and Haley. The reference of Pool as modified by Silva is discussed above and fails to teach a refrigeration unit for cooling the drinking water. Haley teaches a cart having a water distribution system, and further having a refrigeration device (col. 4, lines 39-41), which may be used to chill items on the cart. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the cart of Pool as modified by Silva with a refrigeration device as taught by Haley for the purpose cooling the cool water supply in the cart of Pool as modified by Silva, for example to facilitate the provision of chilled water instead of unheated room temperature water as would be provided by Silva's "cold" water supply.

15. Claim 135 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pool in view of Tagg (US Des. 391,343, cited by applicant). The reference of Pool is discussed above and fails to teach a foot pump for distributing water from the supply. Tagg teaches a cart having a water dispensing apparatus, wherein the distribution of water is powered by a foot pump (see figures 1, 5). It would have been obvious to one of

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ordinary skill in the art at the time of the invention to provide the cart of Pool with a foot pump option for pumping the water from the supply for the purpose of conserving the energy of the battery source.

16. Claim 150 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pool in view of Haley. The reference of Pool is discussed above and fails to teach a refrigeration unit for cooling the water. Haley teaches a cart having a water distribution system, and further having a refrigeration device (col. 4, lines 39-41), which may be used to chill items on the cart. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the cart of Pool with a refrigeration device as taught by Haley for the purpose cooling a water supply in the cart of Pool, for example to facilitate the provision of chilled water.

Response to Comments

17. Applicant's comments have been carefully considered. As regards the limitation of removal being 'quick and easy' the examiner notes that this limitation is not set forth in relationship with any particular difficulty. As an example, the examiner notes that a piano hinge attached with threaded fasteners may be removed with greater speed and ease than one which has been welded to a metallic surface. As regards the use of plural hinges and plural hinge pins, the examiner agrees that Pool fails to specifically teach this feature, however single hinges having removable pins for connecting doors to other frame portions are notoriously old and well known. As regards the cart of Pool teaching a housing for the electronic communications equipment, please note that portion 104 serves as a housing to the breadth such a limitation is actually claimed.

Conclusion

18. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

19. Any inquiry specifically concerning this communication or earlier communications from the examiner should be directed to F. Vanaman whose telephone number is 571-272-6701.

Any inquiries of a general nature or relating to the status of this application may be made through either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


A response to this action should be mailed to:

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Or faxed to:

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F. VANAMAN
Primary Examiner
Art Unit 3618



11/21/05